

**UNITED STATES DISTRICT COURT
IN THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION**

Kenneth Woodrow Johnson, Jr.,

Plaintiff,

vs.

Biak L. Thang and Swift Transportation
Co. of AZ, LLC,

Defendants.

C.A. No. 4:17-cv-03355-RBH

**CONSENT ORDER AMENDING THE ORDER
OF DISMISSAL**

IT APPEARING to the Court that, upon motion of the Plaintiff and with the consent of the Defendants, Plaintiff's Motion to Reopen the Present Action, Restore it to the Calendar, and in the Alternative, Issue an Amended Order of Dismissal should be granted pursuant to Fed. R. Civ. P. 60(b)(6) and the Order of Dismissal (Dkt. 36) in the form of an Amended Order of Dismissal, which shall provide the parties an additional 60 days to consummate the settlement referenced below.

The basis of the present Order is that the Plaintiff died intestate on June 6, 2019, which was unrelated to the present litigation. Prior to Kenneth Woodrow Johnson, Jr.'s death, the parties agreed in writing to full and final settlement where the Defendants would tender \$125,000.00 to the Plaintiff in exchange for a full and final release. The parties confirmed the agreement by jointly filing a Notice of Settlement. (Dkt. 35). An Order of Dismissal was filed on June 7, 2019, which required the settlement to be consummated by August 6, 2019. (Dkt. 20).

Plaintiff's sister – Jennifer L. Vogel – was appointed as the Personal Representative of the Estate of Kenneth Woodrow Johnson, Jr. by the South Carolina Probate Court for the County of Marion on July 22, 2019. Given the complications arising from Kenneth

Woodrow Johnson, Jr.'s death, Plaintiff filed a Motion to Reopen the Present Action, Restore it to the Calendar, and in the Alternative, Issue an Amended Order of Dismissal on August 1, 2019, which requested an additional 60 days to finalize and consummate the parties' settlement. (Dkt. 37).

By agreement of the parties, Defendants hereby consent to the entry of an order granting Plaintiff's motion in the form of an Amended Order of Dismissal, which provides the parties an additional 60 days to finalize and consummate the above referenced settlement.

With the consent of the Defendants, it is hereby ORDERED that Plaintiff's Motion to Reopen the Present Action, Restore it to the Calendar, and in the Alternative, Issue an Amended Order of Dismissal is GRANTED and the parties shall have an additional 60 days to finalize and consummate the above referenced settlement.

August 16, 2019
Florence, South Carolina

s/R. Bryan Harwell
R. Bryan Harwell
Chief United States District Judge

WE SO MOVE:

CHAPPELL, SMITH & ARDEN

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